

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL HORACEK, #218347,

Plaintiff,

v.

CASE NO. 14-CV-13545
HONORABLE GEORGE CARAM STEEH

DANIEL HEYNS, MICHAEL MARTIN,
and BRAD PURVES,

Defendants.

_____ /

ORDER REGARDING PLAINTIFF'S OBJECTION
TO MAGISTRATE JUDGE'S ORDER TRANSFERRING
ACTION TO WESTERN DISTRICT OF MICHIGAN (DOC. #21)

Pro se plaintiff Daniel Horacek objects to the magistrate judge's order granting defendants' motion to transfer this action to the United States District Court for the Western District of Michigan under 28 U.S.C. § 1406. This case is now pending in the Western District of Michigan, No. 15-cv-00038. Therefore, the Western District of Michigan now has jurisdiction over this action. The court lacks jurisdiction to address plaintiff's objection.

In any event, it is worth noting that plaintiff's claims have become moot based on his parole from prison. Plaintiff filed this action under 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc, *et seq.*, while incarcerated by the Michigan Department of Corrections ("MDOC"), at the Newberry Correctional Facility in Newberry, Michigan. Plaintiff alleged that the defendants implemented a vegan menu for all religious diets that violated his religious

needs as an observant Orthodox Jew. Plaintiff sought a temporary restraining order and other injunctive relief precluding the implementation of the MDOC's vegan menu. However, on March 11, 2015, after this case had been transferred, plaintiff filed a notice of change of address informing the court that his address changed (Doc. #22). A review of the Michigan Offender Tracking System shows that plaintiff was paroled from prison on March 3, 2015. Because plaintiff is no longer a prisoner affected by the MDOC's policies, his requested relief in the complaint is moot.

For these reasons, the court declines to address plaintiff's objection to the magistrate judge's order transferring this action to the Western District of Michigan under 28 U.S.C. § 1406. Plaintiff is directed to file any papers related to this action in the Western District of Michigan, Case No. 15-cv-00038.

IT IS SO ORDERED.

Dated: March 23, 2015

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 23, 2015, by electronic and/or ordinary mail and also on Daniel Horacek, 951 Indianwood Road, Lake Orion, MI 48362.

s/Barbara Radke
Deputy Clerk